IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CRIMINAL MISC. PETITION NO.306/99

Rohitash **Versus** State

DATE OF ORDER :: 21/08/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. M.K. Kaushik, for petitioner
Mr. Arun Sharma, P.P.

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Instant petition is directed against the order dated 15th April, 1998 whereby learned trial Judge after taking into consideration the previous ordersheets passed order issuing arrest warrant of the accused-petitioner and was declared to be absconder – against which when he approached this court, notices were issued on 21st April, 1999 and arrest warrant was stayed.

A criminal case u/ss.302, 323, 147, 148 & 149 IPC was instituted against petitioner. It appears that sessions case is pending against him since 1993. Since he failed to appear for sufficient long time, it was informed that he is in service and even members of his family also refused to inform about his place of posting. In such circumstances, learned trial Judge vide order dated 15th April, 1998 issued standing warrant of arrest and declared him to be absconder.

On the last occasion, when the matter came before this court, counsel was asked to inform as to whether petitioner is ready to surrender before learned trial Judge or not. Since his arrest warrant was stayed by this court in April, 1999, no information has come forward.

This court does not find any error committed in passing order impugned dated 15th April, 1998 and certainly, effort was made to ensure his presence.

Consequently, this court finds no merit in the misc. petition, the same stands dismissed. However, learned trial Judge may proceed further with the matter, in accordance with law.

[AJAY RASTOGI],J.

FRBOHRA,JR.P.A.